

Memorandum

To: Miles Moss, P.E., Chairperson, Project and Financial Review Committee and Members, Citizens' Independent Transportation Trust (CITT)

From: Charles Scurr, Executive Director *Cscurr*

Date: January 23, 2014

Re: Resolution Declaring the Acquisition of seventeen (17) Designated Properties for Right-of-Way needed for PTP Project Entitled Improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue to be a Public Necessity and Authorizing the Use of Charter County Transportation Surtax Funds

The attached item was prepared by the Public Works and Waste Management Department (PWWM).

The attached resolution declares the acquisition of seventeen (17) designated properties known as Parcels 48, 49, 50, 51, 51A, 53, 55, 56, 58, 59A, 60, 61, 62, 64A, 64B, 69, and 70, located at SW 216 Street, from the Florida Turnpike to SW 127 Avenue to be a public necessity. The proposed project includes roadway expansion, beautification and improvements consisting of reconstructing the existing roadway to include a raised landscaped median, bicycle facilities, sidewalks, curb and gutters, continuous storm drainage system, signalization, pavement markings and signage, and roadway lighting. The total cost of the project (inclusive of construction, design and right-of-way acquisition of all parcels) is estimated at \$11,966,000.00 and once the project is completed, it is estimated that the fiscal impact to the annual maintenance and operations costs will be approximately \$26,929.91 and \$4,320.68, respectively.

This project was specifically listed in the Exhibit 1 of the PTP Ordinance as a Board Requested Project for Commission Districts 9; however, this project will be of benefit Countywide. This is an approved project and is referenced on page 82 of the FY 2013 5-Year PTP Implementation Plan.

This item is scheduled for the January 14, 2014, Infrastructure & Capital Improvements Committee (ICIC) agenda, and is scheduled for the February 4, 2014 agenda of the Board of County Commissioners. If action is taken at committee, the item will appear on the January 23, 2014 CITT agenda. **(BCC Legislative File No. SEE ATTACHED LIST)**

If you have any questions or need additional information, please do not hesitate to contact me.

c: Alina Hudak, Deputy Mayor/Interim Director Public Works & Waste Management Department
Bruce Libhaber, Assistant County Attorney

RESOLUTION NO.

RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), DECLARE THE ACQUISITION OF 17 DESIGNATED PROPERTIES FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED IMPROVEMENTS ON SW 216 STREET FROM THE FLORIDA TURNPIKE TO SW 127 AVENUE, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE, BY NEGOTIATION, DONATION, RIGHT OF WAY DESIGNATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR TAX ASSESSED VALUES WHICHEVER IS THE HIGHER OF THE TWO TOGETHER WITH REASONABLE ATTORNEYS' FEES AND COSTS PURSUANT TO SECTIONS 73.091 AND 73.092, FLORIDA STATUTES, OR BY EMINENT DOMAIN COURT PROCEEDING INCLUDING DECLARATIONS OF TAKING, AS NECESSARY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (**Legislative File No. SEE ATTACHED LIST**)

WHEREAS, the CITT desires to accomplish the purposes outlined in the accompanying OCITT Executive Director's memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE CITT, that this Trust recommends that the Board of County Commissioners (BCC), declare the acquisition of 17 designated properties known as Parcels 48, 49, 50, 51 51A, 53, 55, 56, 58, 59A, 60, 61, 62, 64A, 64B, 69 and 70, for the People's Transportation Plan (PTP) Project Entitled Improvements on SW 216 Street from the Florida Turnpike to SW 127 Avenue, to be a public necessity; and authorize the County Mayor or the County Mayor's Designee and the County Attorney to take any and all appropriate actions to accomplish acquisition of the subject property in fee simple, by donation, purchase at values established by appraisals or tax assessed value whichever is the higher of the two together with reasonable attorneys' fees and costs pursuant to Chapters 73.091

and 73.092, Florida Statutes, or by eminent domain court proceeding including declarations of taking, as necessary; and authorize the use of Charter County Transportation Surtax Funds, as outlined in the corresponding document in substantially the form attached hereto and made a part hereof.

The foregoing resolution was offered by _____, who moved its adoption. The motion was seconded by _____ and upon being put to vote, the vote was as follows:

Paul J. Schwiep, Esq., Chairperson
Hon. Anna E. Ward, Ph.D., 1st Vice Chairperson
Glenn J. Downing, CFP®, 2nd Vice Chairperson

Joseph Curbelo
Alfred J. Holzman
Jonathan Martinez
Miles E. Moss, P.E.
Marilyn Smith

Peter L. Forrest
Prakash Kumar
Alicia Menardy
Hon. James A. Reeder
Hon. Linda Zilber

The Chairman thereupon declared the resolution duly passed and adopted this ____ day of _____ 2014.

Approved by the County Attorney as
to form and legal sufficiency _____

By: _____
Executive Director

PARCEL	BCC FILE NO.
48	132551
49	132553
50	132560
51	132575
51A	132576
53	132578
55	132552
56	132555
58	132561
59A	132562
60	132590
61	132573
62	132554
64A	132556
64B	132557
69	132558
70	132559

CITT MEMBER REVIEW FORM

Contract No.: ACQSW 216St

1. **Item Name:** Resolution Declaring the Acquisition of the Designated Properties (17 Separate Parcels) for Right-of-Way Needed for the PTP Project Entitled Improvements to SW 216 St from the Florida Turnpike to SW 127 Ave to be a Public Necessity

2. **Total Contract Amt:** \$0.00

PTP:

Other:

3. **Department:** PWD

Project Category: Board Requested

Project Type: SW 216 Street

Project Timeline: (If applicable)

4. **District(s):** (If applicable)

5. **Scheduling and Comments:**

COMMITTEE	DATE	COMMENTS
Project / Financial Review	1/23/2014	
Community Outreach		
Strategic/Financial Planning		
CITT Board	1/23/2014	
BCC Meeting	2/4/2014	

6. **BCC Approved:** No **If Yes Date:**

7. **Review:**

Yes No N/A

Project included in 5-Year Implementation Plan

If no, amendment item Included

Operation (unification) Contract

Budgeted Item

Time Sensitive

Competitive process used (If applicable)

Timeline/Term of Contract (If applicable)

Contract measures for CSBE, CBE, SBE or DBE (If applicable)

Project is in a residential or commercial area or both (If applicable, circle one)

Public Involvement Plan (PIP) included

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Memorandum



Date: December 19, 2013

To: Charles D. Scurr
CITT Executive Director

From: Alejandro Martinez-Esteve, RA, LEED AP
Public Works and Waste Management (PWWM)

Subject: PWWM Submittals for January 2014

PWWM requests to have the following items placed on January's Agenda for the Project and Financial Review Committee Meeting, and the CITT Full Trust Meeting. The items are tentatively scheduled to be considered by the Board of County Commissioners in February 2014.

- Resolution Declaring the Acquisition of the Designated Property Known as Parcels 48, 49, 50, 51, 51A, 53, 55, 56, 58, 59A, 60, 61, 62, 64A, 64B, 69, and 70 for Right-of-Way Needed for the PTP Project Entitled Improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue to be a Public Necessity and Authorizing the use of Charter County Transportation Surtax Funds

Please feel free to call me at 305-375-2097, with any questions or comments.

RECEIVED
DEC 19 2013

AGENDA REVIEW FORM

✓ Parcel
48

258853

Please process the attached agenda item for the Committee and/or BCC agenda(s) as indicated below.

Department: PWWM

Consent Agenda: ☒ Yes ☐ No

(If "Yes" and requires matching funds, the Mayor's memo should include a statement that the matching funds are properly budgeted as determined by OMB.)

Requires Committee Review: ☒ Yes ☐ No

Preferred BCC Agenda Date: _____

Requires Municipal Notification: ☒ Yes ☐ No

Public Hearing Required: ☐ Yes ☒ No If yes, is public hearing at ☐ BCC ☐ Cmte
(Please attach a copy of advertisement as proof that item has been or will be advertised as a public hearing.)

Special Effective Date Language in Resolution: ☐ Yes ☐ No
(If "Yes", a brief statement explaining why the item must have special language should be included in the Mayor's memo.)

List Attachment(s): Exhibits (Legal Description and Commission Sketch)

Parcel 48

County Attorney's Review:

- ☒ Item is subject to BCC sponsorship and is approved as to form and legal sufficiency.
☐ Item is not subject to BCC sponsorship and is approved as to form and legal sufficiency.

If any changes are made to this document, those changes must be approved by the County Attorney's Office.

Debra L. Green
Asst. County Attorney
(Print name)

[Signature]
Asst. County Attorney
(Signature)

9/30/13
Date

Commissioner Sponsor:
(To be provided by Department/DM)

Approved – Department Director

Date

[Signature]
Approved – County Executive Office

Date

Memorandum



Date:

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Declaring the Acquisition of the Designated Property Known as Parcel 48 for Right-of-Way Needed for the PTP Project Entitled Improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue to be a Public Necessity and Authorizing the use of Charter County Transportation Surtax Funds

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution which does the following:

- Declares the acquisition of Parcel 48 required for the road widening, beautification, and right-of-way improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue to be a public necessity; and
- Authorizes the County Mayor or the County Mayor's designee and the County Attorney to employ appraisers, expert witnesses, obtain required environmental audits, and to take any and all appropriate actions to acquire the subject parcel in fee simple, either by negotiation, donation, right-of-way designation, purchase at values established by appraisals or tax assessed values whichever is the higher of the two, together with reasonable attorneys' fees and costs pursuant to Sections 73.091 and 73.092, Florida Statutes, or eminent domain court proceedings including a declaration of taking as necessary for and on behalf of Miami-Dade County.

This resolution is for the acquisition of Parcel 48 and is the final group of parcels needed by Public Works and Waste Management (PWWM) for programmed improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue. This final group of parcels will consist of 17 parcels, which are simultaneously being presented for BCC approval on this agenda. Florida Statute Section 127.02 requires that there be a separate resolution for each individual property.

Said Resolution is placed for Committee review pursuant to Miami-Dade County Code Section 29-124(f). This item may only be considered by the BCC if the CITT has forwarded a recommendation to the BCC prior to the date scheduled for BCC consideration or forty-five (45) days have elapsed since the filing with the Clerk of the Board of this item. If the CITT has not forwarded a recommendation and forty-five (45) days have not elapsed since the filing of this item, I will request a withdrawal of this item.

Scope

The impact of this project is countywide; however, it is located within Commissioner Dennis C. Moss' District 9.

Fiscal Impact/Funding Source

Funding for the right-of-way acquisition, design and construction of this Project is from Charter County Transportation Surtax bond proceeds, and may be supplemented by other

eligible funding sources. Funding is programmed within the adopted FY2013-2014 Capital Budget and the index code is CPEPTP709216. The initial acquisition costs have been budgeted and no additional fiscal impacts are expected; however, in the event of litigation the ultimate acquisition costs would be subject to a future ruling by the Court.

The total cost of the project (inclusive of construction, design and the right-of-way acquisition of all parcels) is estimated at \$11,966,000.00. The anticipated ongoing annual maintenance and operational costs will be approximately \$26,929.91 and \$4,320.68, respectively.


Track Record/Monitor

The Public Works and Waste Management Department is the entity overseeing this project and the responsible person for monitoring this acquisition project is Mr. Francisco Fernandez, Chief Real Estate Officer, Right-of-Way Division.

Background

PWWM has programmed the construction of SW 216 Street as part of the People's Transportation Plan Project Entitled *Improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue*. The proposed project includes roadway expansion, beautification and improvements. Improvements consist of reconstructing the existing roadway to include a raised landscaped median, bicycle facilities, sidewalks, curb and gutters, continuous storm drainage system, signalization, pavement markings and signage, and roadway lighting.

The area to be acquired by Miami-Dade County is necessary for the proposed roadway improvements, and is legally described in "Exhibit A" and illustrated on the parcel location map "Exhibit B-3" attached herewith.



Alton T. Hudak
Deputy Mayor

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 48 FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) ENTITLED IMPROVEMENTS ON SW 216 STREET FROM THE FLORIDA TURNPIKE TO SW 127 AVENUE, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE, BY NEGOTIATION, DONATION, RIGHT OF WAY DESIGNATION, PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR TAX ASSESSED VALUES WHICHEVER IS THE HIGHER OF THE TWO TOGETHER WITH REASONABLE ATTORNEYS' FEES AND COSTS PURSUANT TO SECTIONS 73.091 AND 73.092, FLORIDA STATUTES, OR BY EMINENT DOMAIN COURT PROCEEDING INCLUDING DECLARATIONS OF TAKING, AS NECESSARY AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that

Section 1. This Board ratifies and adopts these matters set forth in the foregoing recitals.

Section 2. This Board finds and declares that the acquisition of the subject parcel, as legally described in "Exhibit A" and shown on project location map in "Exhibit B-3" all attached hereto and incorporated herein by reference, is needed for the public purpose of improvements to SW 216 Street from the Florida Turnpike to SW 127 Avenue.

Section 3. This Board authorizes and directs the County Mayor or County Mayor's designee and County Attorney to employ appraisers, review appraisers and expert witnesses, to obtain required environmental audits and to take any action to acquire the subject parcel, as legally described in "Exhibit A" in fee simple, including any businesses thereon, either by negotiation, donation, right of way designation, purchase at values established by appraisals or tax assessed value whichever is the higher of the two together with reasonable attorneys' fees, expert fees and costs pursuant to Sections 73.091 and 73.092, Florida Statutes, or eminent domain court proceedings including a declaration of taking as necessary for and on behalf of Miami-Dade County and authorizes the use of Charter County Transportation Surtax Funds.

Section 4. Pursuant to Resolution No. R-974-09, this Board directs the County Mayor or County Mayor's designee to record the instruments of conveyance accepted herein in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of the instrument to the Clerk of the Board within thirty (30) days of execution of said instrument; and directs the Clerk of the Board to attach and permanently store a recorded copy together with this resolution.

The foregoing resolution was offered by Commissioner _____,
who moved its adoption. The motion was seconded by Commissioner _____
and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

Agenda Item No.

Page No. 3

The Chairperson thereupon declared the resolution duly passed and adopted this _____, day of _____, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. _____

LEGAL DESCRIPTION
(FEE SIMPLE)

Portions of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 13, Township 56 South, Range 39 East, Miami-Dade County, Florida lying within the land conveyed to William Randolph and described in the COUNTY OF DADE DEED NO. 642-00R dated May 23, 1942, filed June 29, 1943 and recorded in Deed Book 2301, Page 57 of the Public Records of said Miami-Dade County lying West of the West boundary of the land that is the subject of the FINAL JUDGMENT QUIETING TITLE dated November 29, 2005, filed December 1, 2005 and recorded in Official Records Book 24004, pages 2984 and 2985 of the Public Records of said Miami-Dade County, less that portion of land conveyed to Valuda Waters and described in the EXECUTRIX'S DEED dated August 9, 1965, filed August 26, 1965 and recorded in Official Records Book 4730, page 528 of the Public Records of said Miami-Dade County, said portions of land being more particularly described as follows;

COMMENCE at the Northeast corner of the Northeast 1/4 of said Section 13; THENCE South 89°05'46" West, along the North line of said Northeast 1/4 for 1089.91 feet to the POINT OF BEGINNING; THENCE South 00°54'14" East, perpendicular to the previous course and along the West line of the land described in the above mentioned FINAL JUDGMENT QUIETING TITLE, for 35.00 feet; THENCE South 89°05'46" West along the South line of the North 35.00 feet of the Northeast 1/4 of said Section 13 for 97.27 feet to the East line of the West 150 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 13 also being the East line of the land conveyed to Valuda Waters; THENCE North 01°17'33" West along said East line for 35.00 feet to the North line of the Northeast 1/4 of said Section 13; THENCE North 89°05'46" East along the North line of the Northeast 1/4 of said Section 13 for 97.51 feet to the POINT OF BEGINNING. Less existing public right-of-way.

Together with

EXHIBIT A

PROJECT NO. 20040348
PARCEL 48
Page 1 of 2

The North 35.00 feet of the West 75.00 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 13, Township 56 South, Range 39 East, Miami-Dade County, Florida. Less existing public right-of-way.

Together with

The West 30.00 feet of the North 110.00 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 13, Township 56 South, Range 39 East, Miami-Dade County, Florida. Less the North 35.00 feet thereof and less existing public right-of-way.

Together with

The external area formed by an arc concave to the Southeast, having a radius of 25.00 feet, tangent to the South line of the North 35.00 feet of the Northeast 1/4 of said Section 13 and tangent to the East line of the West 30.00 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of said Section 13. Less existing public right-of-way.

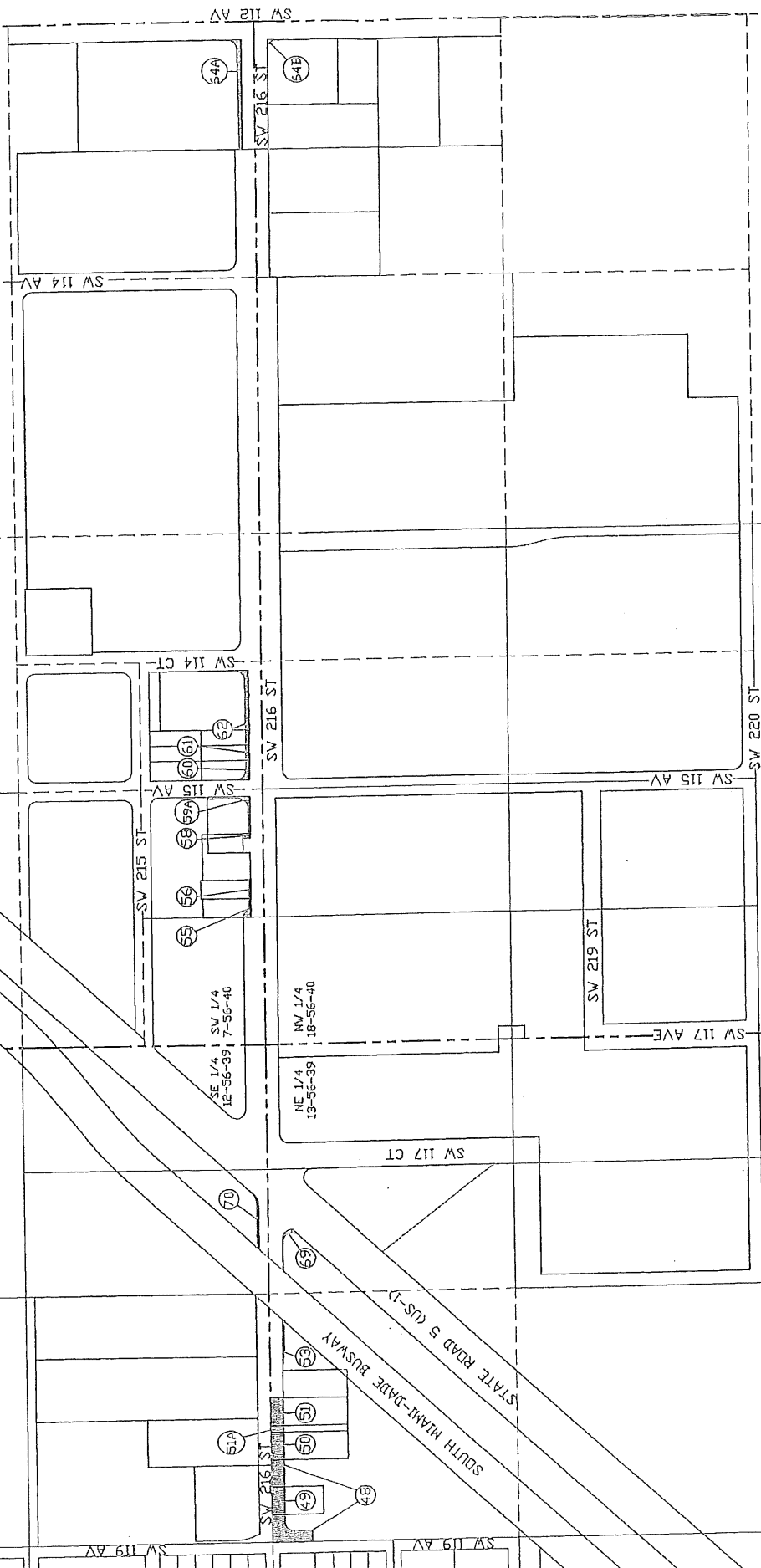
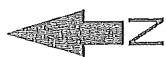
EXHIBIT A

PROJECT NO. 20040348

PARCEL 48

Page 2 of 2

SECTIONS 12 & 13, TWP 56 S, RGE 39 E & SECTIONS 7 & 18, TWP 56 S, RGE 40 E



PROJECT NUMBER 20040348

RIGHT-OF-WAY TO BE ACQUIRED

① PARCEL NUMBER

NOT A SURVEY

SW 216 STREET
FROM SW 127 AVE. TO H.E.F.T.

EXHIBIT "B-3"

NOT TO SCALE
PHASE 3